

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,  
WESTERN DIVISION**

MARY PAIGE, BY AND THROUGH HER SON  
AND NEXT FRIEND, BILLY WAYNE PAIGE,  
ON BEHALF OF THE WRONGFUL DEATH  
BENEFICIARIES OF THE ESTATE OF  
MARY PAIGE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:06cv162-DCB-JMR

MARINER HEALTH CARE, INC., ET AL.

DEFENDANTS

**ORDER**

This cause comes before the Court on the defendants' Motion to Exclude Testimony and Opinions of David W. Seignious, M.D. [docket entry no. 41] and Motion for Summary Judgment [docket entry no. 43].

In their Motion to Exclude Testimony and Opinions of David W. Seignious, M.D., the defendants urge that the testimony of the plaintiff's expert does not meet the reliability requirements of Federal Rule of Evidence 702 and Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993), and its progeny.

While Daubert hearings are not required as a matter of course, in this case the Court deems one necessary in order to properly evaluate and rule upon the defendants' Motion to Exclude Testimony and Opinions of David W. Seignious, M.D. The Court is unable to address the merits of the defendants' Motion for Summary Judgment at this time because it is in large part contingent upon the

Court's decision on the defendants' Motion to Exclude. Accordingly,

**IT IS HEREBY ORDERED** that the defendants' Motion for Summary Judgment [docket entry no. 43] is **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the parties shall schedule a Daubert hearing at the pretrial conference scheduled in this matter for March 13, 2008, so that the Court can render a decision upon the defendants' Motion to Exclude Testimony and Opinions of David W. Seignious, M.D. [docket entry no. 41].

**SO ORDERED**, this the 6<sup>th</sup> day of March 2008.

s/ David Bramlette  
**UNITED STATES DISTRICT JUDGE**